Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington DC

In the Matter of	)	
	)	
Amendment of Parts 1 and 22 of the	)	
Commission's Rules with Regard to the	)	WT Docket No. 12-40
Cellular Service, Including Changes in	)	
Licensing of Unserved Area	)	
	)	

COMMENTS OF AT&T

AT&T provides these comments in response to the Second Further Notice of Proposed Rulemaking ("Second Further Notice") released by the Federal Communications Commission ("Commission") on updating the Cellular service rules.[1]

I. INTRODUCTION

AT&T supports this Commission's efforts to further streamline Commission rule Part 22 by harmonizing it with Parts 24 and 27 and by eliminating those Cellular service rules that are outdated or whose benefits are outweighed by the costs and burdens of compliance. The Second Further Notice accurately observes that many Part 22 rules were adopted more than twenty-years ago, with some rules adopted at the dawn of the Cellular service. Since that time, the Commission has adopted Part 24 and Part 27 rules for other mobile services, foregoing many of the rules in the Cellular service. The Cellular service itself has also evolved from a site-based license regime to a geographic-based license regime, more consistent with Parts 24 and 27. Yet, many of the legacy Cellular service rules remain on the books, with little to no utility. Thus, it is timely and

[1] Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area, WT Docket No. 12-40, *Second Report and Order, Report and Order, and Second Further Notice of Proposed Rulemaking*, 32 FCC Rcd 2518 (2017).

appropriate that the Commission review for removal rule sections 22.301, 22.303, 22.325, 22.921, and 22.925.

II. DISCUSSION

A. Sections 22.301 and 22.303 are outdated and impose unnecessary burdens on Cellular licensees.

AT&T agrees that the Commission should eliminate Sections 22.301 and 22.303 because they are unnecessary and impose administrative burdens upon Cellular licensees, with little to no benefit to the public. In 2014, the Commission deemed the electronic version of an license authorization stored in its Uniform Licensing System ("ULS") as the official Commission record[2] and consequently modernized its rules to "stop printing and mailing out official authorizations to the greatest extent possible."[3] License authorizations are now maintained and accessed via ULS, which is available anytime, anywhere from any internet capable device. Hard copy authorizations are simply no longer needed.

Even on-site electronic access to license authorizations and station records serves no useful purpose in light of the evolution of Commission rules away from site specific licensing. When the Commission issued site-specific authorizations for each Cellular base transmitter, on-site station records and authorizations allowed Commission personnel to compare the station's authorized technical parameters to its operating parameters. With the movement of the Cellular service away

[2] Wireless Telecommunications Bureau Announces Enhancements to the Commission's Universal Licensing System and Antenna Structure Registration System for Providing Access to Official Electronic Authorizations and Seeks Comment on Final Procedures, WT Docket No. 14-161, *Public Notice*, DA 14-1478, 29 FCC Rcd 12019 (2014) (*Initial Public Notice*).

[3] Wireless Telecommunications Bureau Implements Enhancements to the Universal Licensing System and Antenna Structure Registration System for Providing Access to Official Electronic Authorizations and Adopts Final Procedures for Providing Access to Official Electronic Authorizations, *Public Notice*, WT Docket No. 14-161, 29 FCC Rcd 15252 (2014).

from site-specific filings, this type of review is neither needed nor feasible. Internal base stations (i.e. stations whose service area boundaries ("SABs") do not comprise the outer edge of the cellular geographic service area ("CGSA")) are no longer issued site-specific authorizations and external base station (i.e. SAB-defining stations) have licenses that no longer include all operating parameters. This evolution allows Cellular service stations to operate like Part 24 and Part 27 stations, which, as the Commission recognizes, are not subject to similar rules.

Even in the absence of these rules, the Commission retains its inspection authority under Section 303 of the Communications Act.[4] And, when normal day-to-day station inquiries do occur, they are handled with a licensee's contact person designated in ULS, typically compliance, legal, or regulatory personnel, and not through a contact at a control station. That process works effectively. All of these factors argue for complete elimination of rule sections 22.301 and 22.303.

B. Section 22.325 should be eliminated to give licensees the flexibility to determine how to manage their networks to avoid interference.

AT&T supports eliminating Section 22.325, which requires a control point and a person on duty to manage station operation. This requirement is unnecessary and does not account for how Cellular licensees operate their networks. Cellular licensees remotely monitor their network usage and operation and by necessity retain the ability to deactivate the radios as needed in the event of interference. Moreover, other existing Commission rules require Cellular licensees to coordinate with adjacent channel and adjacent market licensees, avoid interference to Part 90 public safety licensees operating in the 800 MHz band, and comply with international agreements. Cellular licensees have developed extensive expertise in working with their counterparts in these areas. Consequently, the Cellular service rules no longer need to require control stations, manning

[4] 47 U.S.C. §303(n).

of control stations, or otherwise dictate the manner in which Cellular licensees comply with their obligations to avoid interference. AT&T also agrees that rule section 22.321 is duplicative and can be eliminated with no impact.

C. Sections 22.921 and 22.925 are obsolete and should be eliminated.

Section 22.921. Commission rule section 22.921, unchanged since 2002, is obsolete and can be deleted in its entirety. This rule governs the processing of 911 calls made from mobile telephones capable of operating in the analog mode, specifically implementing the strongest signal rule that allowed handsets to operate on any carrier's analog signal. AT&T is unaware of any carrier that still offers analog devices or operates an analog Cellular system. Further, the Commission's wireless 911 rules now reside in rule section 20.18. Placing all wireless 911 rules in that one section avoids confusion that can exist when rules on the same issue are placed in disparate locations throughout Title 47 of the Code of Federal Regulations.

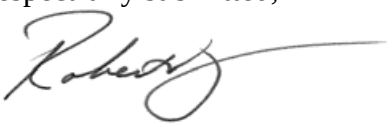
Section 22.925. Commission rule section 22.925 prohibits airborne operation of cellular telephones and is not replicated in Part 24 or Part 27 wireless rules. This rule should be eliminated to give Cellular licensees the same flexibility as Part 24 and Part 27 licensees. AT&T shares the concerns that led Chairman Pai to seek termination of the Commission's 2013 planned rules for an Airborne Mobile Service, which would have allowed voice calls aboard high altitude passenger aircraft using Cellular and other wireless services. But as drafted, rule section 22.925 also prohibits the use of Cellular service on low altitude aircraft, including single engine aircraft and unmanned aerial systems ("UAS" or "drones"), for data, video and other non-voice communications.

Restricting the Cellular service to ground usage impedes use of the band for innovative and still developing technologies, such as testing network performance in and around stadiums, ballparks, and other sports venues via a UAS; restoring communications in emergency situations

using a flying base station; providing command and control, telemetry, traffic management, and other data transmission functions for UAS; and airborne public safety systems. For example, AT&T collaborated with the San Diego Police Department ("SDPD") to provide tactical flight officers with wireless connectivity while airborne, but was forced to develop a solution to avoid the Cellular band. AT&T's solution ultimately relied on Part 24 and Part 27 spectrum that may not be available in other locations or that other Cellular licensees seeking to develop similar solutions may not hold. Granting Cellular licensees the flexibility to use their spectrum in low altitude aircraft and from drones at any altitude would promote innovation in the band. For these reasons, the Commission should eliminate rule section 22.925 or, at a minimum, modify it to allow for its use with UAS (at all altitudes) and on other low altitude aircraft.[5]

Dated: May 15, 2017

Respectfully submitted,



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[5] To further harmonize Parts 22, 24, and 27, the Commission should also replace the term "base transmitter" in Part 22 with the term "base station," as defined and used in Parts 24 and 27, and clarify that the term allows for use of airborne cell site technology, which licensees may in the future use to temporarily augment service in high demand environments and restore service during emergencies.